

ENTERED

June 19, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

KIMBEL VERSHON CARTER,

Petitioner,

v.

ED GONZALEZ,

Respondent.

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CIVIL ACTION H-18-1994

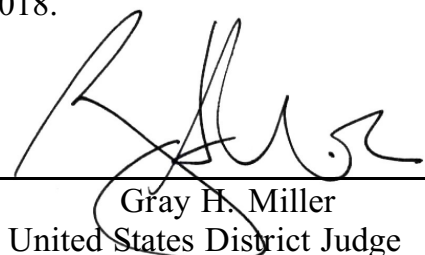
ORDER OF DISMISSAL

Pending before the Court is a *pro se* pleading filed by petitioner, a Harris County pretrial detainee. The pleading is directed to “The Honorable Judge George Powell of Courtroom 351,” and seeks state habeas relief under “Article 11.08/11.09 of the Texas Code of Criminal Procedure.” The mailing envelope, however, was addressed to this Court.

The Court is of the opinion that petitioner’s pleading was intended for filing in his pending state prosecutions in the 351st District Court of Harris County, Texas, and that it was misdirected to this Court. The Court declines to construe the pleading as a section 2241 habeas petition, as the Court dismissed petitioner’s section 2241 petition for failure to exhaust on June 11, 2018. *Carter v. Gonzalez*, C.A. No. H-18-1788 (S.D. Tex.). Because petitioner has yet to exhaust his state court remedies, docketing this pleading as a second section 2241 petition would be futile.

This lawsuit is DISMISSED WITHOUT PREJUDICE as improvidently filed. A certificate of appealability is DENIED. Any and all pending motions are DENIED AS MOOT.

Signed at Houston, Texas on June 19, 2018.



Gray H. Miller
United States District Judge